

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN HERNANDEZ,

Defendant.

CASE NO. CR19-0259-JCC

ORDER

This matter comes before the Court on Defendant Ryan Hernandez's motion to conduct a remote sentencing hearing (Dkt. No. 24). Having thoroughly considered the motion and the relevant record, the Court GRANTS the motion for the reasons explained herein.

I. BACKGROUND

In January 2020, Mr. Hernandez pleaded guilty to one count of computer fraud and abuse and one count of possession of child pornography. (Dkt. Nos. 6, 9.) His sentencing hearing was originally scheduled for April 21, 2020. (Dkt. No. 9.) Because of serious health and safety concerns related to the COVID-19 pandemic, the Court continued his sentencing hearing several times, most recently to November 17, 2020. (*See* Dkt. Nos. 14, 17, 18, 19.) By order of Chief Judge Ricardo S. Martinez, all criminal in-person hearings scheduled to occur before January 1, 2021, have been continued. *See* W.D. Wash., General Order No. 15-20 at 2 (Oct. 2, 2020). Mr. Hernandez is released on bond and resides in California with his parents who assist him with

1 activities of daily living due to his Autism Spectrum Disorder and other mental health
2 conditions. (*See* Dkt. Nos. 13, 24 at 1–2.) Mr. Hernandez contends that his mental health
3 conditions exacerbate the stress and anxiety of awaiting the results of his sentencing hearing.
4 (Dkt. No. 24 1–2.) To avoid further delay, Mr. Hernandez moves for sentencing to proceed on
5 November 17, 2020 by video conference. (Dkt. No. 24.) Mr. Hernandez consents and has filed a
6 waiver of in-person appearance. (Dkt. No. 24-2.)

7 **II. DISCUSSION**

8 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
9 felony sentencing hearing by video conference if the Court finds that the sentencing cannot be
10 further delayed without serious harm to the interests of justice. *See* W.D. Wash., General Order
11 No. 14-20 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Mr. Hernandez has a strong interest in the
12 speedy resolution of his sentencing, but in-person proceedings are unlikely to resume until at
13 least January 1, 2021. *See* W.D. Wash., General Order No. 15-20 at 2 (Oct. 2, 2020). Moreover,
14 Mr. Hernandez and his counsel reside in California and their ability to travel to Washington may
15 be compromised by safety concerns related to the pandemic. Absent a remote proceeding, Mr.
16 Hernandez cannot be sentenced for at least two months despite having entered guilty pleas over
17 nine months ago. Taking into account these circumstances as well as Mr. Hernandez’s mental
18 health conditions, the Court FINDS that his sentencing cannot be further delayed without serious
19 harm to the interests of justice.

20 **III. CONCLUSION**

21 For the foregoing reasons, the Court GRANTS Defendant’s motion to conduct a remote
22 sentencing hearing (Dkt. No. 24) and ORDERS that sentencing shall proceed by video
23 conference on November 17, 2020 at 11:00 a.m.

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1 DATED this 3rd day of November 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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